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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,535	03/30/2001	Erik S. Ruf	MS 160347.2/40062.120US01	1094
7590 02/16/2006			EXAMINER RUTTEN, JAMES D	
Homer L. Knearl Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			ART UNIT 2192	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b> 09/822,535	<b>Applicant(s)</b> RUF, ERIK S.	
	<b>Examiner</b> J. Derek Rutten	<b>Art Unit</b> 2192	

All participants (applicant, applicant's representative, PTO personnel):

(1) J. Derek Rutten. (3) \_\_\_\_\_

(2) Tadd F. Wilson, Reg. No.: 54,544. (4) \_\_\_\_\_

Date of Interview: 31 January 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.  
If Yes, brief description: Drawing Amendments.

Claim(s) discussed: n/a.


Identification of prior art discussed: n/a.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Wilson identified an issue with respect to the acceptability of the drawings. After review, the examiner noted that the drawings submitted on 9/19/05 are acceptable except that they did not contain a "Replacement Sheet" label. Mr Wilson has supplied additional drawings with the proper label and these drawings are accepted.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Docket No.: 160347.2/40062.120US01  
Title: CONSTANT RETURN OPTIMIZATION TRANSFORMING INDIRECT CALLS TO  
DATA FETCHES  
Serial No.: 09/822,535  
Sheet 1 of 9

## Replacement Drawing

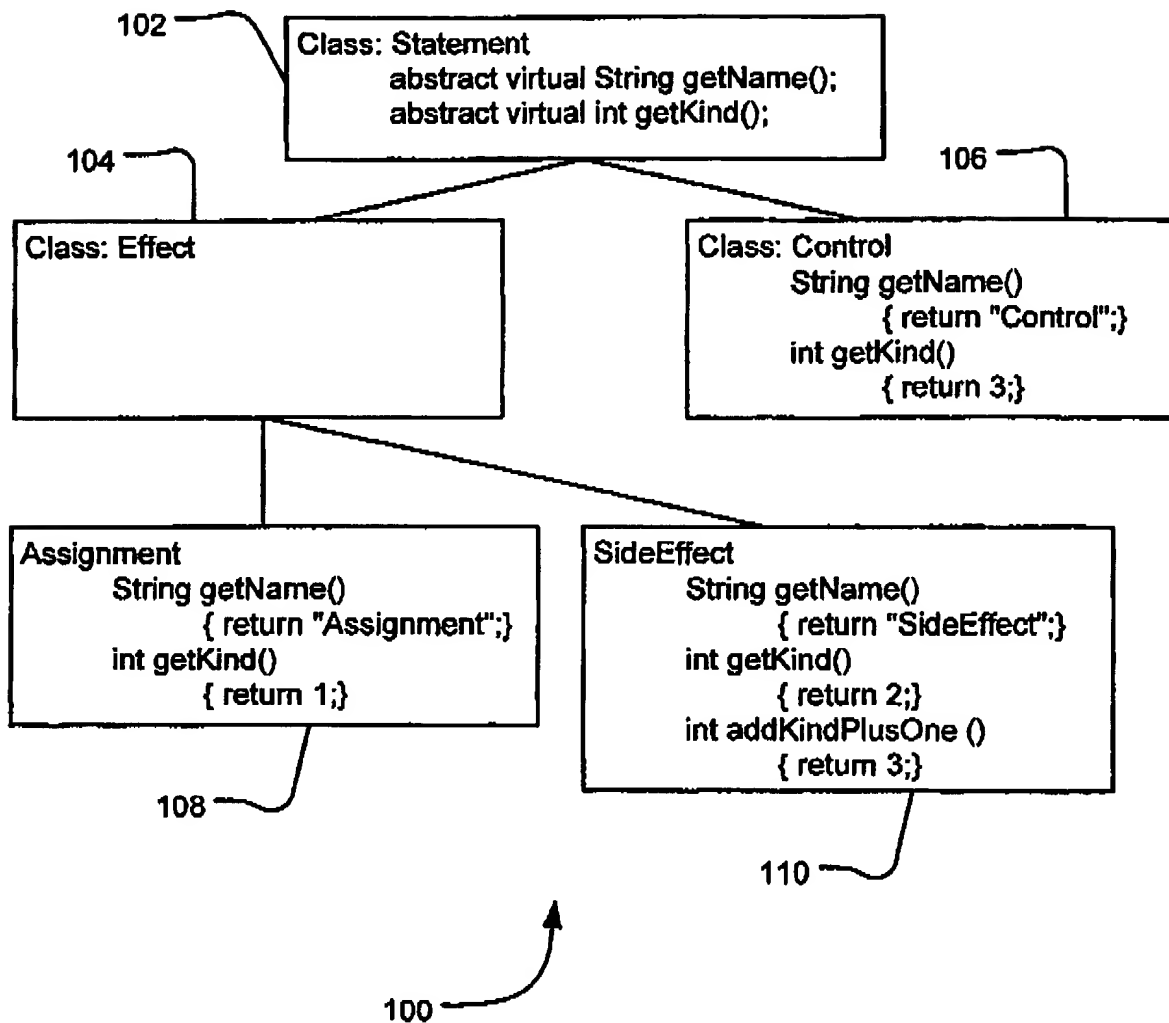
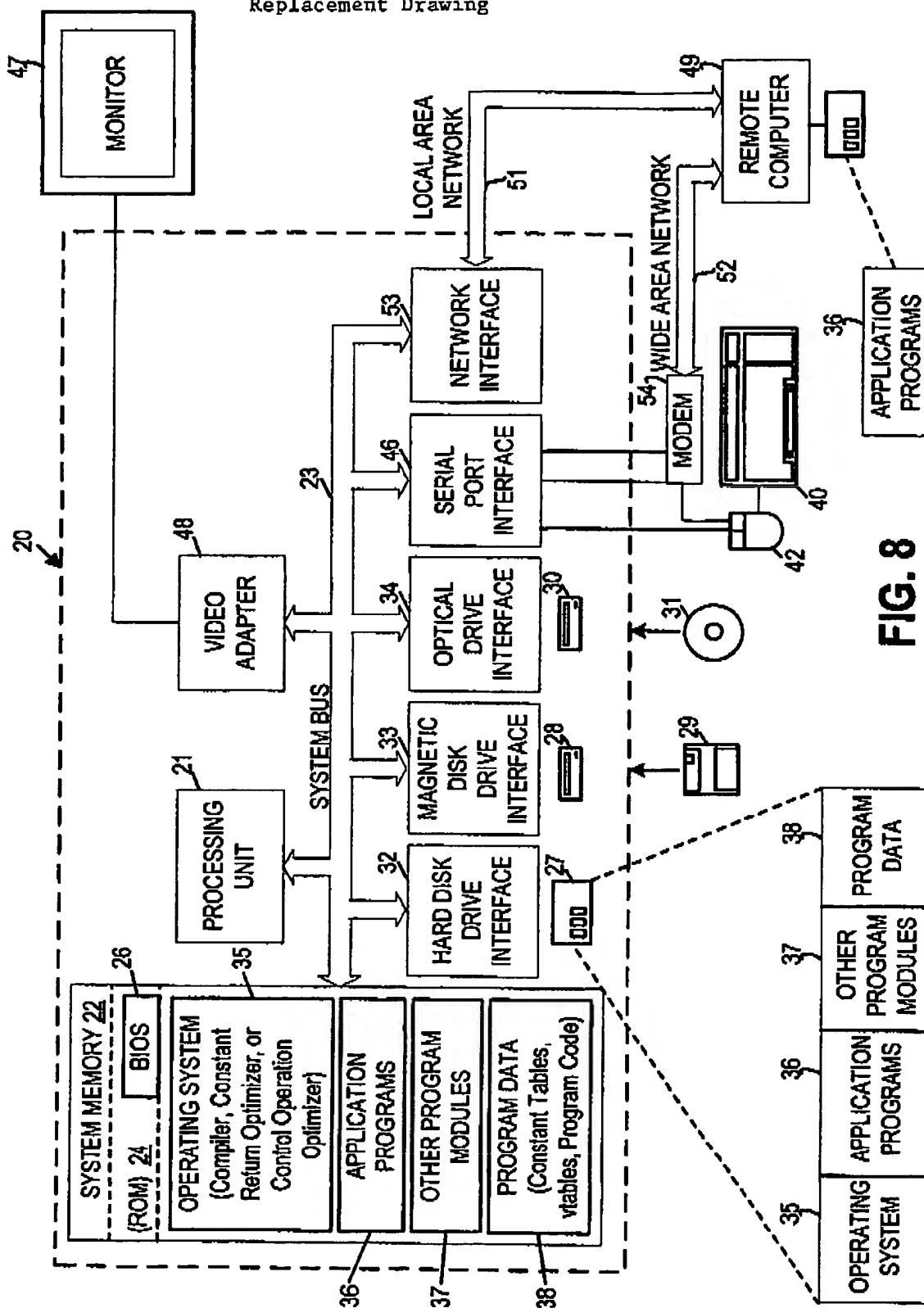


FIG. 1

-- Prior Art --

Docket No.: 160347.2/40062.12U/USU  
Title: CONSTANT RETURN OPTIMIZATION TRANSFORMING INDIRECT CALLS TO  
DATA FETCHES  
Serial No.: 09/822,535  
Sheet 9 of 9

### Replacement Drawing



PAGE 4/4 \* RCVD AT 1/31/2006 5:47:44 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/24 \* DNIS:2733703 \* CSID: \* DURATION (mm:ss):00:50

**Merchant & Gould**

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Denver, Colorado 80265-0100

A Professional Corporation

**Fax Transmission** | January 31, 2006

TO:


Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	FROM: Tadd F. Wilson  OUR REF: 40062.0120US01  TELEPHONE: 303.357.1651
--	--

Total pages, including cover letter: 4PTO FAX NUMBER 1-571-273-3703

If you do NOT receive all of the pages, please telephone us at 303.357.1670, or fax us at 303.357.1671.

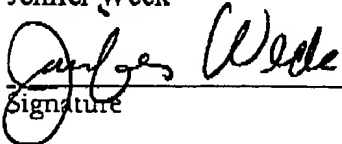
Title of Document Transmitted: Letter dated 1/31/2006 enclosing replacement drawings for Figs. 1 and 8, and also Applicants' acceptance of the Interview SummariesApplicant: Erik S. Ruf  
Serial No.: 09/822,535  
Filed: 3/30/2001  
Group Art Unit: 2122  
Our Ref. No. 40062.0120US01  
Confirmation No. 1094

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By:   
Name: Tadd F. Wilson  
Reg. No.: 54,544

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Jenifer Weck

  
Signature1/31/2006  
Date

GEN033.DOT

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January 31, 2006

VIA FACSIMILE -- (571) 273-3703

Examiner Derek Rutten  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Application No. 09/822,535  
M&G 40062.120US01

Dear Examiner Rutten:

Please find attached the replacement drawings submitted on September 19, 2005 in response to the Final Office Action dated July 26, 2005. Also, Applicants wish to note that the interviews as conducted for the above application are summarized correctly in the Interview Summaries dated December 2, 2004 and dated November 23, 2005.

Very truly yours,



Tadd F. Wilson

TFW/jw  
Enclosures

Minneapolis/St. Paul  
Denver  
Seattle  
Atlanta  
Washington, DC